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Attorneys for Defendant and Cross-Defendant
CITY OF EUREKA

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

KFD ENTERPRISES, INC., a California
Corporation dba Norman's Dry Cleaner,

Plaintiff,

v.

CITY OF EUREKA,

Defendant.

CITY OF EUREKA,

Counter-Claimant and Third-Party Plaintiff

vs.

KFD ENTERPRISES, INC., a California
Corporation dba Norman's Dry Cleaner,
Unocal Corporation,

Cross-Defendant and Third Party
Defendant

CASE NO. CV-08-4571 MMC

STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE HEARING ON
DEFENDANT ENVIRONMENTAL
RESOLUTION INC.'S MOTION TO
DISMISS AND STRIKE
[CIVIL C.R. 7-12]

1. Pursuant to Civil L.R. 7-12, Third-Party Defendant and Cross-Defendant
Environmental Resolutions, Inc. and Defendant, Cross-Defendant, and Counter Defendant City
of Eureka, Defendants, Cross-Defendants Unocal and Union Oil, Defendant and Cross-
Defendant Winzler & Kelly and Plaintiff KFD Enterprises Inc., hereby stipulate as follows:



2. Whereas Environmental Resolutions, Inc. has filed a Motion to Dismiss and Strike Claims, which was scheduled to be heard on July 16, 2010;

3. Whereas the City of Eureka has requested additional time to respond to ERI's Motion to Dismiss and Strike Claims and ERI is amenable to that request;

4. Whereas counsel Defendants and Cross-Defendants Unocal Corporation and Union Oil, counsel for Defendant and Cross-Defendant Winzler & Kelly, counsel for Plaintiff KFD Enterprises Inc. have all agreed to extending the time for hearing on ERI's motion;

5. The hearing on ERI's motion is continued to Friday, July 23, 2010 at 9 a.m. with the briefing schedule moved accordingly.

DATED: June 15, 2010

DAVIDOVITZ & BENNETT LLP

By: /s/ Charles H. Bolcom

MORIS DAVIDOVITZ

Attorneys for CITY OF EUREKA

(The filer hereby attests that concurrence in the filing of this document has been obtained from the signatories below.)

DATED: June 15, 2010

GORDON & REES LLP

By: /s/ George A. Acero

GEORGE A. ACERO

Attorneys for Environmental Resolutions, Inc.

DATED: June 15, 2010

SEVERSON & WERSON

By: /s/ Peter C. Lyon

PETER C. LYON

Attorneys for Winzler & Kelly

DATED: June 15, 2010

GREBEN & ASSOCIATES


By: /s/ Jan A. Greben

Jan A. Greben

Attorneys for Plaintiff KFD Enterprises, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: June 16, 2010


MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE